

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MARYLAND**

Bruce Liller, et al

Plaintiffs,

vs.

Robert Kauffman, et al

Third Party Defendants,

*
*
*
*
*
*
*
*

Case No. MJG 02-CV-3390

Case No. MJG 02-CV-3391 consolidated

Robert Kauffman,

Third Party Plaintiff

vs.

Roger Lee Helbig,

Third Party Defendant

ANSWER TO THIRD PARTY COMPLAINT

COMES NOW Third Party Defendant, Roger Lee Helbig by and through counsel,
Donald L. Speidel, Esquire, and in answer to the complaint filed by Third Party Plaintiff,
Robert Kauffman, states as follows:

SPECIFIC ADMISSION

1. Third Party Defendant is without sufficient information to admit or deny
paragraph 1 of the complaint

2-5. Third Party Defendant admits the allegations contained in paragraphs 2
through 5 of the complaint.

6. Third Party Defendant lacks sufficient knowledge upon which to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the complaint.

7-8. Third Party Defendant lacks sufficient knowledge upon which to form a belief as to the truth or falsity of the allegation contained in paragraphs 7 through 8 of the complaint.

COUNT I

9. Third Party Defendant incorporates by reference his responses to paragraphs 1 through 8 in response to paragraph 9.

10. Third Party Defendant admits to the allegations in paragraph 10 of the complaint.

11. The allegations of paragraph 11 are conclusions of law and/or the pleader which do not require a response. To the extent a response is required, the same is denied.

12. Third Party Defendant denies the allegations contained in paragraph 12 of the complaint.

COUNT II

13. Third Party Defendant incorporates by reference his responses to paragraphs 1 through 12 in response to paragraph 13.

14. Third Party Defendant lacks sufficient knowledge upon which to form a belief as to the truth or falsity of the allegation contained in paragraph 14 of the complaint.

15. Third Party Defendant denies the allegations contained in paragraph 15 of the complaint.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiffs, Bruce Liller and Michael Liller settled the matter of Liller, et al v. Helbig, et al, case#: MJG 02-CV-3390 with signed Full Releases of All Claims and Demands in the amount of \$50,00.00 per person with the Third Party Defendant, Robert Lee Helhig.

THIRD DEFENSE

Third Party Defendant avers that any injuries, losses, and damages claimed by third party plaintiff herein were the result of the plaintiff's sole and/or contributory negligence.

FOURTH DEFENSE

Third Party Defendant avers that the claim alleged in third party plaintiff's Complaint is barred by the plaintiff's assumption of the risk.

FIFTH DEFENSE

Third Party Defendant avers that the claim alleged in third party plaintiff's Complaint is barred due to the negligence and/or affirmative conduct of others for whom in law this Third Party Defendant is not responsible.

SIXTH DEFENSE

Third Party Defendant avers that the Court lacks jurisdiction over this matter due to lack of service of process and/or insufficient service of process.

SEVENTH DEFENSE

Third Party Defendant avers that the Court lacks jurisdiction over this matter and person.

EIGHT DEFENSE

Third Party Defendant will rely upon all defenses lawfully available to it including, but not limited to, those already asserted herein.

WHEREFORE, Third Party Defendant, Roger Lee Hilbig, respectfully requests that the complaint filed herein be dismissed with prejudice, with costs, attorney's fees, and interest as provided by law assessed against the Third Party Defendant/Third Party Plaintiff and that the Third Party Defendant be granted such other and further relief as this honorable Court deems just and proper.

Respectfully submitted,

Donald L. Speidel
LAW OFFICES OF PROGRESSIVE
CASUALTY INSURANCE COMPANY
21 Governor's Court
Suite 260
Baltimore, Maryland 21244
(410) 281-6111

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of June, 2003, a copy of the foregoing Answer to Third Party Complaint was mailed postage prepaid to: Arnold F. Phillips, Esquire, 25254 Garrett Highway, Suite 4, PO Box 537, McHenry, Maryland 21541, attorney for Plaintiffs, Kathleen M. Bustraan, Esquire, Toyja Kelley, Esquire, Lord & Whip, P.A., 36 S. Charles Street, Charles Center South, 10th Floor, Baltimore, Maryland 21201, attorney for Defendant/Third Party Plaintiff.

Donald L. Speidel